

#7
3A/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Ghash, Amitava, et al. EXAMINER: Unknown
SERIAL NO.: 09/742,905 GROUP: 2661
FILED: December 20, 2000 CASE NO.: CE08335R
TITLED: MULTI CHANNEL STOP AND WAIT ARQ COMMUNICATION
METHOD AND APPARATUS

Motorola, Inc.
Corporate Offices
1303 E. Algonquin Road
Schaumburg, IL 60196

February 12, 2004

Certificate of Transmission under 37 CFR 1.8	
I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office.	
on <u>February 12, 2004</u>	
<u>Motorola, Inc.</u>	<u>2/12/2004</u>
Name of applicant, assignee, or Registered Representative	Date
<u>Monette O.</u>	
Signature	

EXPEDITED PETITION UNDER 37 CFR 1.53(b)
TO REQUEST ORIGINAL FILING DATE OF APPLICATION

Office of Petitions
Assistant Commissioner for Patents
BOX: DAC
Washington, DC 20231

This letter serves as a petition to request the original filing date for the above entitled patent application, pursuant to 37 CFR 1.53(b) which states, in pertinent part:

The filing date of an application for patent filed under this section . . . is the date on which a specification as prescribed by 35 U.S.C. 112 containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75, and any drawing required by § 1.81(a) are filed in the Patent and Trademark Office. No new matter may be introduced into an application after its filing date. (emphasis added)

The present application was filed on December 20, 2000 with a specification containing a description , seven (7) claims and two sheets of informal drawings containing the following figures: Figure 1 Dual channel receiver flow chart, Figure 2 Single Source/Single Channel Dual-Channel Model and Figure 3 Multi-Source/Single Channel Dual Channel Model. A filing receipt showing a December 20, 2000 filing receipt was subsequently issued by the US PTO on February 6, 2001 (confirmation no. 8962). The US PTO also issued a Notice to File Missing Parts of Nonprovisional Application on February 6, 2001. The Notice stated, inter alia, that Figure 4, described in the specification, appeared to have been omitted from the application. Upon investigation, Applicants learned that the original application was filed with FIG. 1 omitted and that originally filed FIG. 1 Dual channel receiver flow chart should have been labeled FIG. 4 Dual channel receiver flow chart. Applicants further learned that originally omitted FIG. 1 depicted a prior art ARQ system. In lieu of responding to the Notice to File Missing parts, Applicants filed a Preliminary Amendment on March 15, 2001 that moved the description of FIG. 1 to the Background section of the patent application. Applicant also submitted marked up drawings including originally omitted FIG. 1, FIGs. 2 and 3 showing no changes, and originally submitted FIG. 1 Dual channel receiver flow chart changed to FIG. 4 Dual channel receiver flow chart. The US PTO did not receive the first transmission of the Preliminary Amendment, so Applicants resubmitted the Preliminary Amendment on May 2, 2002. The US PTO received the resubmitted Preliminary Amendment on May 10, 2002.

In response to receipt of the Preliminary Amendment, the US PTO issued an updated filing receipt showing a filing date of March 19, 2001 (the date the PTO received Applicants Preliminary Amendment). Applicants hereby petition the USPTO to issue a corrected filing receipt showing the original filing date of

December 20, 2000. Applicants submit that pursuant to 37 CFR 1.53(b), no new matter was introduced into the patent application after the original filing date of December 20, 2000. As shown in the attached preliminary amendment, a figure depicting a prior art system, FIG. 1, was added into the patent application and the specification was amended to move the description of FIG. 1 to the background section. Thus, Applicants submit that pursuant to 37 CFR 1.53(b), the date on which the specification as prescribed by 35 U.S.C. 112 containing a description pursuant to § 1.71, at least one claim pursuant to § 1.75, and any drawing required by § 1.81(a) was filed in the Patent and Trademark Office on December 20, 2000, the original filing date.

Commissioner is hereby authorized to charge the petition fee to deposit account No. 50-2117.

Respectfully submitted,
Ghosh, Amitava, et al.

SEND CORRESPONDENCE TO:

Motorola, Inc.
Law Department

Customer Number: 22917

By:



Lalita W. Pace
Attorney for Applicant
Registration No.: 39,427
Telephone: 847-538-5855
Fax: 847-576-3750

50
JCWS/CS 1 25 FEB 2004

Feb-12-04 04:55pm From-MOTOROLA

18475763750

T-534 P.001/006 F-163



FAX TRANSMITTAL SHEET

Motorola, Inc.
Intellectual Property Section
Law Department
1303 E. Algonquin Rd.
Schaumburg, IL 60196

Telephone: (847) 576-3635
Facsimile: (847) 576-3750

6

Number of Pages (including this page)

Date: February 12, 2004
To: Examiner UNKNOWN – Group 2661
Location: United States Patent and Trademark Office
Fax No.: 703-746-9195
From: Lalita W. Pace (Registration No. 39,427)
Subject: Serial No. 09/742,905 –Ghosh et al.

NOTICE: This facsimile transmission may contain information that is confidential, privileged, or exempt from disclosure under applicable law. It is intended only for the person to whom it is addressed. Unauthorized use, disclosure, copying or distribution may expose you to legal liability. If you have received this transmission in error, please immediately notify us by telephone (collect) to arrange for return of the documents received and any copies made. Thank you.

MESSAGE:

Enclosed herewith, please find a RESPONSE Office Action for filing in the below identified application.

RECEIVED

MAR 04 2004

PLEASE GIVE THESE PAPERS TO: Technology Center 2600

EXAMINER:	UNKNOWN
GROUP ART UNIT:	2661
SERIAL NO.:	09/742,905
FILED:	12/20/2000
INVENTOR:	Ghosh et al.
ATTORNEY DOCKET NO.:	CE08950R

PTO/SB/21 (08-00)

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in this Submission

Application Number	09/742,905
Filing Date	12/20/2000
First Named Inventor	Ghosh et al.
Group Art Unit	2661
Examiner Name	UNKNOWN
Total Number of Pages in this Submission	4
Attorney Docket Number	CE08950R

ENCLOSURES

(check all that apply)

Fee Transmittal Form
 Fee Attached
 Amendment/Reply
 After Final
 Affidavits/Declaration(s)
 Extension of time Request
 Express Abandonment Request
 Information Disclosure Statement
 Certified Copy of Priority Documents
 Response to Missing Parts/
Incomplete Application
 Response to Missing Parts
Under 37 CFR 1.52 or 1.53

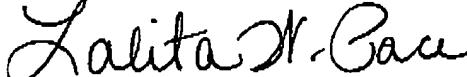
Assignment Papers
(for an Application)
 Drawing(s)
 Licensing-Related papers
 Petition
 Petition to Convert to a
Provisional Application
 Power of Attorney, Revocation,
Change of Correspondence
Address
 Terminal Disclaimer
 Request for Refund
 CD, Number of CDs

After Allowance
Communication to Group
 Appeal Communication to Board
of Appeals and Interferences
 Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)
 Proprietary Information
 Status Letter with appropriate copies
 Other Enclosure(s) (please identify below)
 Response to Restriction Requirement
 Associate Power of Attorney
 RCE
 Copy of Notice to File Missing Parts
 Transmittal of Formal Drawings
 Response to Notice of Non-
Recordation of Document

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

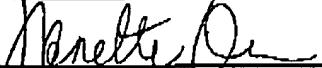
Firm or Individual	Lalita W. Pace	Registration No.	39,427
--------------------	----------------	------------------	--------

Signature 

Date February 12, 2004

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to Commissioner for Patents, Washington, DC 20231, on the date listed below:

Typed or printed name	Nanette Orr	Date	February 12, 2004
Signature			

**FEE
TRANSMITTAL**

Patent fees are subject to annual revision

TOTAL AMOUNT OF PAYMENT

(\$)

Complete if Known	
Application Number	09/742,905
Filing Date	12/20/2000
First Named Inventor	Ghosh et al.
Examiner Name	UNKNOWN
Group Art Unit	2661
Attorney Docket No.	CE08950R

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:

Deposit Account Number

50-2117

Deposit Account Name

Motorola, Inc.

 Charge Any Additional Fee required under 37 CFR 1.16 and 1.17 Applicant claims small entity status. See 37 CFR 1.272. Payment Enclosed: Check Credit Card Money Order Other

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee Code	Small Fee Code	Entity Fee Code	Fee Paid
1001	750	2001	375	Utility filing fee
1002	330	2002	165	Design filing fee
1003	520	2003	260	Plant filing fee
1004	750	2004	375	Reissue filing fee
1005	160	2005	80	Provisional filing fee

SUBTOTAL (1) (\$0.00)

2. EXTRA CLAIM FEES

Total Claims	Previously Paid**	Extra Claims	Fee from below	Fee Paid
Independent Claims				
		20	X 18	
		3	X 84	
Multiple Dependent			280	
Large Fee Code	Entity Fee Code	Small Fee Code	Entity Fee Code	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	* Reissue independent claims over original patent
1205	18	2205	9	* Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$0.00)

**OR NUMBER PREVIOUSLY PAID, IF GREATER THAN STANDARD ALLOWANCE.

*For Reissues, see above

SUBMITTED BY

Name (Print/Type)	Lalita W. Pace	Registration No.	39,427	Telephone	847/538-5855
Signature	<i>Lalita W. Pace</i>			Date	February 12, 2004

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Code (\$)	Fee Description
1051	130	2051	85
1052	50	2052	25
1053	130	1053	130
1812	2520	1812	2520
1804	920*	1804	920*
1805	1840*	1805	1840*
1251	110	2251	55
1252	410	2252	205
1263	930	2253	465
1254	1450	2254	725
1255	1570	2265	985
1401	320	2401	160
1402	320	2402	160
1403	280	2403	140
1451	1510	1451	1510
1452	110	2452	55
1453	1300	2453	650
1501	1300	2501	650
1502	470	2502	235
1503	630	2603	315
1460	130	1460	130
1807	50	1807	60
1808	160	1808	180
8021	40	8021	40
1809	760	2809	376
1810	760	2810	375
1801	750	2801	375
1802	900	1802	900

* Reduced by Basic Filing Fee paid SUBTOTAL (3) (\$)

Complete (if applicable)